

### **REMARKS**

Applicant has carefully considered the matters raised by the Examiner in the outstanding Office Action but remains of the position that patentable subject matter is present. Applicant respectfully requests reconsideration of the Examiner's position based on the amendments to the claims and the following remarks.

The present invention is directed to a method and system for collecting vehicular road use fees. The system uses the governmental agency that issues registrations to issue a vehicle identifier. The vehicle identifier is fixed to the vehicle and read by a reader to assess road use fees. The readers are both stationary and fixed and can retrieve information from the governmental agency about the vehicle, e.g., registration information. To charge the fees, the governmental agency establishes an account for the vehicle.

Claims 11 and 18 are the independent claims and have been amended to better define the invention. Claims 14, 17, 21 and 24 have been cancelled because of the amendments to claims 11 and 18. Thus, claims 11, 13, 15, 16, 18, 20, 22, 23, 25 and 26 are currently under prosecution.

Claims 11, 13-18 and 20-26 had been rejected as being unpatentable over Urbish in view of Slavin and Leitner. Urbish teaches scanning a label attached to a vehicle for the purpose of collecting tolls. Slavin teaches the establishment of a toll collection system having transponders sold at retail stores. Leitner teaches the use of portable readers used to decrypt a code attached to a vehicle for the purpose of verifying authorized vehicle users.

The Examiner had cited Leitner for teaching the use of mobile scanning devices. Leitner, however, differs from the present invention because Leitner does not teach the communication of the scanned information to a central authority where an account is debited for a road use fee. In contrast to the present invention, Leitner is concerned with identifying a vehicle, rather than assessing a road use fee.

Leitner explains that a code attached to a vehicle can be decrypted to extract data relating to features of the vehicle. This decrypted data is compared to the features of the vehicle in order to determine whether the code is on the correct vehicle, i.e., whether the code has been fraudulently generated (col. 1, lines 15-24). Leitner also explains that the decrypted code may include data relating to a PIN number. This PIN number can be compared to the PIN number given by the driver in order to determine if the driver is an authorized user of the vehicle (col. 1, lines 29-37). Thus, Leitner teaches a method for identifying a vehicle and determining the authorized use of a vehicle, and does not teach communicating this information to a central authority where the central agency has an account and debits the vehicle.

Furthermore, Leitner explains that the driver is first asked for the name of the owner of the vehicle by a officer at a road block. Details of the name are provided into the decrypting device. The unit compares the information supplied by the driver with the information decrypted by the decrypting device in order to check whether the driver is an authorized user of the vehicle (col. 5, lines 5-35).

This entire security feature of Leitner is accomplished on site and is not accomplished by relaying the information to a central authority.

The present invention differs from Leitner since scanned information is communicated to a central authority where it is accordingly processed and a road use fee is assessed. The present invention allows for the significant benefit of processing numerous types of information at the central authority compared to the on site comparison of Leitner. For example, the device of Leitner can only compare the information supplied by the driver to the information decrypted by the decrypting device. On the other hand, the present invention can retrieve a single piece of information from the vehicle identifier and the central authority can do an exhaustive and comprehensive evaluation based solely on this single piece of information. As a result, communication with the central authority as recited in claims 11 and 18 provides a significant advantage over the teachings of Leitner.

Urbish and Slavin teach the use of fixed scanning devices. Applicant submits that it would not be obvious to modify the fixed scanning devices of Urbish and Slavin to arrive at the mobile scanning devices of the present invention absent some specific suggestion or motivation. Urbish, Slavin and Leitner do not teach or suggest the specific advantages gained by the mobile scanning device of the present invention explained on page 2 of the Application, namely, the elimination of congestion at toll-booths and the theft and labor intensive costs of parking meters. Applicant therefore submits that the present invention is patentable over the teachings of Urbish, Slavin and Leitner taken alone or in combination.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain this

Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account # 02-2275.

Respectfully submitted,

MUSERLIAN, LUCAS AND MERCANTI, LLP

By: Donald C. Lucas  
Donald C. Lucas, 31,275  
Attorney for Applicant(s)  
475 Park Avenue South  
New York, New York  
Tel. # 212-661-8000

Encl: Return receipt postcard